

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
April 1, 2008**

Present: Commissioners Weber and Notbohm; Mike Hoffman and Harold Stepper, County Planners; Melissa Morris; Mapping Tech; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Will Danforth, ATS Engineering; Jeremiah Theys, Great West Engineering; Jim Connole, Charlene Hall, Ray Barnicoat, Tom Harrington, Sheila Hogan, Cheryl Hassakker, Dave Kirsch, Ellen Rae Thiel, Robert Nevin, Marilyn McCauley, Shirley Rogers

CALENDAR REVIEW

- 4/02 Meet with Great West Engineering re: Wagner RFP - 1:30
Museum Board - 6:30
Montana Tunnels EIS meeting - Clancy - 7:00
- 4/03 Meeting with State Historic Preservation office - 10:00
- 4/07 TSEP public hearing - courtroom - 2:00
- 4/08 Meeting with Mike Waite - 11:00

COMMISSION REPORTS

GPS ROAD REVIEW

Commissioner Weber reported that he and Melissa Morris took a walk up through the BLM property behind the Hills, looking for evidence of the old Clark Creek/Clark Gulch historic road. They used GPS and video to try to make a record. They were somewhat successful, but will probably have to do it again, as the GPS didn't work very well.

WHITEHALL ANIMAL SHELTER GROUP

Commissioner Weber reported that he attended the animal shelter group meeting in Whitehall. The group has received a \$500 donation from a private donor and a \$250 donation was recommended from the Community Development Board for their application for a 501(c) (3) status.

WHITEHALL COMMUNITY DEVELOPMENT BOARD

Commissioner Weber reported that he attended the Community Development Board meeting in April 1, 2008 minutes.wpd

Whitehall. It was a good meeting. There have been some changes to the agenda for things they are going to pursue for community infrastructure building and planning, and those will go to the town council for approval.

ZONING COMMISSION

Commissioner Weber reported on the Zoning Commission meeting. They decided that one thing they need to do is get definitions set in the zoning document, so each member is reviewing one or two pages of the document and will return to the next meeting with their findings.

LEWIS AND CLARK CAVERNS ELECTRIFICATION COMMENTS

Commissioner Weber reported that he worked on comments and submitted them to FWP regarding the proposed electrification at the campgrounds at Lewis and Clark Caverns. He noted that his comments were in opposition, due to competition with private taxpayers in Jefferson County.

BEAVERHEAD-DEER LODGE NATIONAL FOREST PLAN COMMENTS

Commissioner Weber reported that they also submitted comments to Forest Service regarding the Beaverhead-Deer Lodge forest plan. The comments consisted of 33 or 34 pages and were submitted right before 5:00 p.m. the previous night. The Commission got word this afternoon that the comment period has been extended for 30 days.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Harold Stepper stated that at the previous meeting the Commission approved a loan from the metal mines revolving loan fund to the National Affordable Housing Network. He has the loan documents drawn up, and needs the signature of the Chairman of the Board. Commissioner Weber signed the documents and thanked Harold for working with Barbara to get this accomplished.

Commissioner Weber stated that at the previous meeting, Commissioner Notbohm brought up the NorthWest Energy declaring bankruptcy. He stated that he and Matt did some investigation and this in no way affects Jefferson County. All disputed taxes that NorthWest has owed us have been paid. Commissioner Notbohm stated that he called the Department of Revenue that morning and they didn't know anything about it. After that, he called Delaware and talked to someone there.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL – DEER RUN MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this 4 lot minor subdivision located north of Montana City. The parcel contains 10.04 acres, proposed to be divided to four lots ranging from 1.72 to 5 acres in size. The developer has opted for a cash-in-lieu payment for fire protection. The developer has also agreed to pay \$1000 per lot to the Montana City School

District. Mike recommended that preliminary plat approval be granted.

Commissioner Weber asked about a 30-foot easement for lot five, but he sees no lot five; he asked if it should be lot four. Mike stated that this is correct, and he will let the surveyor know so that he can make the correction to the plat. Commissioner Weber stated that a notation on the plat states that there is a one foot no access restriction out in the Watne's part. He asked if this is simply coming off of the parcel they are looking at going into Watne's. Mike stated that he would have to consult with Lay of the Land Surveying on this. He stated that he assumes that they want to stay off of the parcel line. Jim Connole, the developer, stated that it designates that if they were to develop the property, they would have access to the cul-de-sac and roadway, which could put more traffic in there than recommended by the road standards. The one-foot restriction forces a future developer to go through him to have access through Watne's parcel. Commissioner Notbohm asked regarding the finding of fact #2 regarding density, that the density is listed as 2.41 acres, but noted that there are lots that are smaller than that. Mike explained that it is an average of the total acreage of the development.

Commissioner Notbohm moved to grant preliminary plat approval to the Deer Run Minor Subdivision. Commissioner Weber seconded. The motion carried.

PRELIMINARY PLAT APPROVAL – VALLEY VIEW MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this five lot minor subdivision located northeast of Whitehall. The parcel contains 17.94 acres, proposed to be divided in to 5 lots, ranging in size from 2.79 to 4.63 acres. The developer will provide the local fire department with a cash-in-lieu payment for water supply. Mike recommended that preliminary plat approval be granted.

Commissioner Weber stated that before they proceed he needs to note that he was approached by a resident in Whitehall with questions and concerns about the subdivision. Commissioner Weber stated that he didn't spend a lot of time on the conversation, and he asked the resident to attend this meeting. He explained that it would be ex-parte for him to discuss the subdivision outside of a public meeting. Commissioner Weber said that he doesn't see the conversation in any way to compromise his ability to vote on this subdivision, but he did want everyone to know. Commissioner Weber asked Mike if it was Sowden Lane that was hard surfaced when the county did the Robbins Lane project. Mike stated that this is correct. Commissioner Weber asked if they intend to hard surface the road off of Sowden Lane coming into the cul-de-sac. Mike stated that the plan is to have a gravel road; the trips-per-day didn't meet the requirement for hard surface.

Commissioner Lythgoe joined the meeting. [2:03]

Robert Nevin stated that the land that the developer owns surrounds him. When he built his house there was no road there, and when the road was put in, it was put right on his property line. This puts a road within 100 feet of his house and it creates a lot of dust from the six houses north of him, and the added traffic will only make it worse. He is considering contacting the EPA because of the dust conditions. His other concern is the well. The well was drilled in the early 80s and produced well at that time. With the addition of the current houses, he had to sink his

well deeper. He is currently at 180 feet. If there are five more wells put in, he may not have any water. Commissioner Weber explained that the Commission relies on the DEQ and DNRC for approval for water. Our subdivision requirements are that they meet DEQ approval for their water. We rely on the state to tell us about that. They don't give County Commissioners rights when it comes to water restrictions; they hold the rights to that. Robert stated that there is already a problem with the well. His wife asked for a water sample testing, nitrate and nitrite results are listed at 3.50 and it says that the limit is 0.050.

Will Danforth, ATS Engineering, stated that the limit is .5 p.p.m., and Mr. Nevin's sample is actually 3.4, but if you take it parts-per-million, he is actually at 0.00349. The DEQ requires that they do calculations to prove that there is water available for the development. Regarding dust control, they could spray the roads to keep dust down. Mr. Nevin said that this is acceptable; he just doesn't want to deal with the dust. He then asked about the rest of the acreage, and if it will be subdivided in the future. Will stated that there are several issues – geography, and the possibility to sell some of it to neighbors. Will stated that they moved the road away from his house. Mr. Nevin stated that the current road is close to his house. Will stated that most of the traffic will be using the new road.

Commissioner Weber stated that the Commission does rely on the DEQ for water concerns. They would appreciate it if they put some dust control on the road. Commissioner Notbohm asked if there is currently a well on the property. Will stated that there is not. Commissioner Weber stated that a test well will be required by the DEQ.

Commissioner Notbohm moved to grant preliminary plat approval to the Valley View Minor Subdivision. Commissioner Weber seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

PRESENTATION OF NORTH-END METAL MINES GRANT RECOMMENDATIONS

Sheila Hogan presented the north-end metal mines grant committee's recommendations to the Commission. She stated that the metal mines grant committee met in Boulder on March 26th to review the grant applications. They reviewed nine grant applications, and all of the applicants, with the exception of Elk Park Fire, were in attendance to give a presentation and answer questions. The North Jefferson Baseball Association did not have a complete application, so it was not considered. Their rankings were as follows:

#1 Boulder Chamber applied for a grant for a part-time staff person to carry out the Chamber mission through planning, organizing and promoting events. They suggested an award in the amount of \$20,000.

#2 Jefferson Broadband applied for a grant to expand the internet capability of the un-served areas of Jefferson County. The suggested award is \$20,000.

#3 Boulder River Carousel applied for a grant to build a structure to enclose the carousel at the

fair grounds. The suggested award is \$15,000.

#4 Animal Shelter and Care Committee applied for a grant to provide low-cost spay/neuter events and to hire an architect from Hound Quarters to draw a schematic design and site drawing of a proposed shelter. While they feel that spay/neuter clinics are worthwhile, the committee decided to recommend funding only for the schematic design and site drawing since this meets both the economic development and viability intent of the program. The suggested award is \$3,000.

#5 21st Century Program applied for a grant to provide financial assistance toward a summer session of the 21st Century Program. The suggested award is \$15,000, which is considerably less than their request. Because of this, the committee suggests that the 21st Century staff put together a new budget and scope of services as documentation that the program can operate with less funding than requested.

#6 Elk Park Fire applied for a grant to assist with the purchase of a wild land and quick response fire truck. The suggested award is \$11,000, which is less than the requested amount. The committee suggests that the fire department seek grant funding through FEMA and other funding sources.

#7 Jefferson County Genealogy and Heritage Center applied for a grant to fund renovations for the heritage Center. The suggested award is \$10,000.

#8 Jefferson County Fair Board applied for a grant to purchase new bleachers at fairgrounds. The board has a \$50,000 estimate for project and the committee suggests an award in the amount of \$6,000. As this amount is substantially less than that of their request, the committee suggests that the Fair Board develop a new budget and scope of work to document that this work is still possible with the decreased funding.

Commissioner Notbohm stated that he would like to commend the committee for the time and thought they put into the deliberations. Sheila noted that one of the committee members declared a conflict of interest on the Jefferson Broadband application, and they did not vote on that application.

Commissioner Notbohm stated that he has some further information on the truck for Elk Park. They have already ordered the truck. When it gets in, they will take it to DNRC in Missoula to be fitted at no cost. They have already gotten donations from other fire departments so are all fitted for hoses, etc., and they are also holding a fundraiser to raise additional money

Commissioner Lythgoe asked about the Fair Board. The board's estimate for building the bleachers is \$50,000. The committee is suggesting that they be given \$6,000, with the caveat that they develop a new budget and scope of work, and give documentation that they project could go forward with the lesser funding. He noted that there is a big difference between \$50,000 and \$6,000, and he is wondering if they can make the award with that caveat. Sheila stated that the committee suggests that the Commission consider \$6,000 and go back to the Fair Board to see if they have ideas for other funding sources. Commissioner Lythgoe stated that new

bleachers at the fair grounds make all the sense in the world, but his question is if it makes sense to award \$6,000 at this time without hearing some sort of plan is confusing. Sheila stated that this is why the committee is recommending that the Fair Board be sent a letter to see if they can still complete at least a portion of the project with the lower funding amount.

Commissioner Lythgoe stated that the 21st Century program, again, is a very worth-while program, but the award is contingent on them being able to keep operating through the summer with the lower funding. Commissioner Notbohm stated that he thinks that Mary Ellen indicated that they have some funding for the summer program. Sheila stated that they do have some money, and that is part of the match. She noted that the program is in its' final phase, and they recommend that they get funding commitments from the school administration or OPI to continue.

Commissioner Weber stated that the other thing that should be noted, even if a project is awarded, they have to be able to complete the project in the specified time frame, and the money will be turned back. Commissioner Notbohm stated that after seeing what everyone asked for, they are all good projects. He said that it is a shame that they can't use the full amount of funds to make the awards.

Commissioner Lythgoe asked about being awarded a portion of the requested amount for the carousel. Marilyn McCauley stated that they will take any money they can get. Commissioner Notbohm stated that he seems to remember that the carousel group had the project broken down into phases. Commissioner Lythgoe asked if appropriate to ask someone from the 21st Century program and the carousel group to come and speak to their plans. He asked if they could put the money in an account and hold it until they get the funds that they need. Commissioner Weber stated that part of the requirements is that the work has to be started within one year and be completed in two years.

Tom Harrington stated that he would like to add something to what Sheila said. All of these are worthwhile projects. The next cycle is in July, and there will be the ability to utilize the money then. Commissioner Lythgoe asked if it is appropriate to come back to the Commission and say that they know that they aren't going to be able to raise the remainder of the funds in the coming year, but they could do a phase of the project. Tom stated that it would be. He noted the Heritage Center, which had a prioritized list.

Marilyn stated that she could speak to the fair board project at this time. The \$6,000 would give us a base. It could go for the architectural plan or for concrete work. Commissioner Weber asked if in her opinion, the fair project and the carousel could use the scaled down funding and move forward with the project. Marilyn stated that this is correct. Commissioner Notbohm stated that he would ask, regarding the engineering, how long the plan will be valid for. Marilyn stated that it would be similar to the volunteer building; they had to go back and update the plans before they could finish with the project.

Commissioner Weber asked Commissioner Notbohm to contact someone from the 21st Century Program regarding working with the lesser amount. Marilyn stated that she will get them something in writing.

AWARD SOUTH END METAL MINES GRANTS

Commissioner Weber stated that the Commission heard the recommendations for the south end metal mines grants at the previous meeting. Their recommendation was to fund the Whitehall Community Center in the amount of \$12,855.00 and to provide no funding to the other applicants, due to incomplete applications.

Commissioner Lythgoe moved to award, based on the recommendation of the metal mines committee, in the amount of \$12,855 to the Whitehall Community Center. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON PURCHASE OF GPS UNIT FOR MAPPING TECH

Melissa Morris, Mapping Tech, stated that she is currently using a Garmen GPS unit, which is not very accurate and is considered a recreational unit. It also does not have the ability to post-process or fix errors in measurements. She presented the Commission with specifications for a Magellan GPS unit. Commissioner Weber read an e-mail from Sam Little, Weed Coordinator, regarding the purchase of the GPS unit. Melissa stated that the unit that she is interested in is being discontinued, and the next higher grade unit is quite a bit more expensive. Also, it is approaching survey grade. Commissioner Notbohm asked about service issues, as the unit in question is being discontinued. Melissa stated that they are quite durable, and don't usually have service issues.

Commissioner Weber asked if she sees any reason to spend the extra money to go to the next level. Melissa stated that she would love to have it and it would greatly increase the accuracy, but it isn't essential at this point, not that it wouldn't become useful in the future. Commissioner Weber asked how she would see it becoming useful. Melissa stated that they have a huge issue right now with the location of actual corners. She can get within three feet of the corner with one unit and within inches with the other. As it stands right now, whenever she put a map out, she adds a disclaimer that it is just a general reference map. The higher grade unit would allow her to be much more accurate. Commissioner Lythgoe stated that the difference between the two units is feet and inches. Melissa stated that this is correct, down to fractions of an inch.

Commissioner Lythgoe stated that we have a Cadillac grade mapping tech, why not get her the Cadillac grade unit. Commissioner Lythgoe moved to approve the purchase of the Magellan at the cost of \$2,795 to \$3,200, to be paid from PILT. Commissioner Weber seconded.

Commissioner Notbohm stated that he would go with her original recommendation to get the Thales unit. He can't see the need for a survey grade unit. Melissa stated that if we are doing corners, which is becoming more and more of an issue, this unit would allow her to put the information into our map system immediately, rather than waiting six or more months for it to work through the state system as she does at this time. It would be a question of how high a priority that is. She knows that the Clerk and Recorder's office would appreciate it. It would also make our maps more accurate sooner. The maps that are currently on the website are four years old. Commissioner Weber asked if this would have an impact on emergency services.

Melissa answered that it would. This is where some of these issues come back in; they can't even pull the owner of a piece of ground if they don't have the subdivision records on it. Commissioner Weber asked how much of an issue is it that the Thales is a discontinued model. Melissa stated that she doesn't see an issue. From here on out, you either have to get the more expensive unit, or a lesser unit without the post-processing capabilities. She really needs the post-processing capability, as a lot of this is ending up in court and she doesn't want to be sitting there with a recreational unit and having to guess location within matters of feet. She can make the other unit work, but it will look that much better in court if she can go in and say that she is within a tenth of an inch on her location, as opposed to being within a meter.

Commissioner Lythgoe stated that when you actually do have a physical corner and you are looking for it, three feet can be a huge distance. He thinks it makes all the sense in the world to get the best tool. Melissa stated that truthfully, she will probably be back within three years to ask for the higher unit.

Commissioner Weber called for the question. The motion carried unanimously.

RESOLUTION 14-2008 ADOPT BRIDGE EVALUATION AND CAPITAL IMPROVEMENT
PLAN 2008 UPDATE

Commissioner Weber read the resolution as follows:

RESOLUTION 14-2008

**ADOPTION OF THE 2008 JEFFERSON COUNTY BRIDGE EVALUATION
AND CAPITAL IMPROVEMENT PLAN**

WHEREAS, Jefferson County desires to have a Bridge Evaluation and Capital Improvement Plan in place; and

WHEREAS, a Bridge Evaluation and Capital Improvement Plan has been prepared by Great West Engineering and submitted to the County; and

WHEREAS, the Board of County Commissioners of Jefferson County Montana find the Bridge Evaluation and Capital Improvement Plan prepared by Great West Engineering to be appropriate and sufficient for the County's purposes.

NOW, THEREFORE, BE IT RESOLVED that the *2008 Jefferson County Bridge Evaluation and Capital Improvement Plan* prepared by Great West Engineering shall be and is hereby approved by the Board of County Commissioners.

DATED this 1st day of April, 2008.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

DISCUSS UPDATED JEFFERSON COUNTY ROAD STANDARDS

Commissioner Weber stated that during the last construction cycle, some deficiencies were found in the current road standards. One of them was the type of oil used for a double-shot chip seal, as well as classifications for culverts, updating tables and several other minor changes. Jeremiah Theys, Great West Engineering, stated that it was mostly clarifications and fixing deficiencies. There were no new sections added.

Commissioner Lythgoe stated that all of them have been through it a couple different times and made comments back to Great West. Reflects what they learned during the last construction season.

Harold asked if there were any changes to curve radius. They are seeing some horrible scarring in subdivisions because of the curve radius. Commissioner Weber stated that they looked at the curve radius and the speeds and to go below 35 mph, you would have to change the curve radius. Harold stated that Babin Minor up Lump Gulch is typical for this; he is seeing some huge cuts in there. Commissioner Weber stated that they had to change that one for speed. Harold stated that as long as there is some way to change this. Commissioner Weber stated that the size of the curve helps the county to set it lower. Commissioner Lythgoe stated that that is the key; for safety reasons can go with a lower speed limit on curves.

DISCUSS 2008 TSEP BRIDGE GRANT APPLICATION

Commissioner Weber stated that they have been keeping this on the agenda as the application is due in May.

Jeremiah stated that based on the 2008 bridge capital improvement plan, the county has identified three bridges that they would like to replace. The bridges are Quaintance Lane, Hanson Lane 1 and Hanson Lane 3. They are pursuing TSEP funds for these three bridges.

April 1, 2008 minutes.wpd

Great West has completed preliminary engineering reports on the three bridges, and will be having two public hearings. After the public hearings, they will take any comments and concerns and update the grant application. The grant application is due May 2nd.

DECLARE ELECTED BY ACCLAMATION THE JEFFERSON VALLEY SOIL AND WATER DISTRICT TRUSTEES AND PRECINCT COMMITTEEMAN AND WOMAN

Commissioner Weber read a memo from Clerk and Recorder regarding the Jefferson Valley Soil and Water District Trustees. John Heide and John W. Dawson are to be elected by acclamation. The Clerk and Recorder also presented a list of committee men and women to be appointed for each precinct.

Commissioner Weber moved to declare by acclamation the two applicants to the Jefferson Valley Soil and Water District and to appoint the precinct committeeman and woman as listed. Commissioner Lythgoe seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Dave Kirsch asked if there has been a decision on the Elkhorn Road issue. Commissioner Weber stated that Matt needs to submit a brief in answer to the lawsuit. It should be coming up the middle of this month. He stated that we feel pretty good about our position.

Commissioner Lythgoe moved to adjourn. Commissioner Weber seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

